

1983 Form

In the United States District Court  
For the Middle District of Alabama

(Original)

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DEBRA P. HACKETT, CLK  
U.S. DISTRICT COURT  
MIDDLE DISTRICT ALA

Roy Lee McAteer 147346  
Ronald Whitley 208585

2:08CV178-WKW  
2:08-CV-167-WKW

On Behalf of All Similarly Situated  
(Enter above the full name(s) of the  
plaintiff(s) in this action)

Cheryl Price, Warden Bibb Co. Cor. Fac.  
Ron Allen, Commissioner Ala. Dept. of Cor.

(Enter above full name(s) of the  
defendant(s) in this action)

I. Previous lawsuits

- A. Have you begun other lawsuits in state or federal court(s) dealing with the same facts involved in this action or otherwise relating to your imprisonment? Yes ( ) No ( )
- B. If your answer to A. is "yes", describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuit(s) on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit

Plaintiff(s): Roy Lee McAteer 147346  
Defendant(s): Gov. Bob Riley - Troy King - Ala. Dept. of Public Safety

2. Court (if Federal Court, name the district; if State Court, name the county)

United States District Court - Middle District of Alabama

3. Docket Number 2:07-CV-692-WKW

4. Name of judge to whom case was assigned Susan Russ Walker

5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?)

Still pending

6. Approximate date of filing lawsuit August 2007

7. Approximate date of disposition \_\_\_\_\_

II. Place of present confinement Bibb Co. Corr. Facility

A. Is there a prisoner grievance procedure in this institution?

Yes ( ) No (X)

B. Did you present the facts relating to your complaint in the state prisoner grievance procedure?

Yes (X) No ( )

C. If your answer is YES:

1. What steps did you take? I wrote letters to various newspapers, members of Alabama's governing body, and prison officials

2. What was the result? \_\_\_\_\_

None

D. If your answer is NO, explain why not? \_\_\_\_\_

III. Parties

In item A below, place your name(s) in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.

A. Name of plaintiff(s) Roy McAtteer 1473246

565 Bibb Ln. Brent, AL 35034

Ronald Whitley 565 Bibb Ln. Brent, AL 35034

Address All others similarly situated

In item B. below, place the full name of the defendant in the first blank, his official position in the second blank, and his place of employment in the third blank. Use item C for the names, positions, and places of employment of any additional defendants.

- B. Defendant Cheryl Price  
is employed as Warden  
at Bibb Co. Cor. Facility Brent, AL 35034
- C. Additional Defendants Row Allen Commissioner Ala. Dept. of Corrections  
301 So. Ripley Street PO Box 301501 Montg., AL 36130-1501

#### IV. Statement of Claim

State here, as briefly as possible, the FACTS of your case. Describe how each defendant is involved. Include, also, the names of other persons involved, dates and places. *Do not give any legal arguments or cite any cases or statutes.* If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheet, if necessary.

1. Violation of the Eighth Amendment Prohibition of Cruel and Unusual Punishment.

I, Ray McAtee, am currently incarcerated for the offense of Burglary III with a discharge date of June 3rd 2018. However, I am also subject to Alabama's Community Notification Act (hereinafter CNA) because of conviction for a sex offense in Tuscaloosa AL in 1988. Three separate times (most recently March 6th) I have been called to see a Mr. Crum and asked to submit information to complete a sex offender worksheet. Specifically I have been asked to submit the actual address at which I will live or reside upon release.

I have made it unequivocally clear that I have  
(See Attached)

(See Attached)

V. RELIEF

State briefly ~~exactly~~ what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

Plaintiffs are asking for the following relief:

1. An order from this Honorable Court directing the defendants to allow inmates who are struggling to comply with CNA's Orders of Conditions unrestricted telephone access and the availability of phone books.
2. An order from this Honorable Court enjoining the defendants from using their power to restrain to force inmates who are subject to CNA's Orders

(See Attached)

"I declare under penalty of perjury that the foregoing is true and correct.

Executed on 3-10-08  
(date)

Roy McAtam 147346

Ronald Gray Whitley 208585

Signature(s)

(Grounds For Relief Continued)

no ability to comply with this demand. My deadline is April 18th 2008 as I have been informed. As the defendants are very aware of, I have no money, no friends I can impose upon, and because of the restraints imposed by the defendants, no ability to contact family. I have not lived in Alabama since 1996.

The defendants deny me telephone usage - I do not know anyone I can call collect - I am denied telephone books. I am completely unable under the circumstances to comply with CNA's Order of Conditions but yet am consistently told to do so.

I am experiencing depression, at times suicidal thoughts, am unable to exercise regularly, or to concentrate on any task for extended periods of time. Through the restraints the defendants are exercising over me I am being forced to commit a crime. This, and it does not matter how you cut it, is Cruel and Unusual Punishment in violation of the Constitution of The United States.

## 2. Violation of The Substantive Component of The 14th Amendment's Due Process Clause.

I am in the custody of the defendants and they are completely aware that on April 18th 2008 I will be subjected to criminal charges because of my inability to comply with the Order of Conditions imposed by Alabama's CNA.

Criminal charges are severe. Felony charges. They entail the irreplaceable loss of untold amount of time out of my life. The defendants have complete control of my life. They tell me when to eat, when to sleep, when to bathe. Every single aspect of my life they control. And they are

completely and unequivocally aware that I am in "grave danger" of losing years "Years" of my life to penal confinement because of my inability to comply with the Orders of Conditions imposed by CNA. But yet "But Yet" even in the face of the knowledge that this danger exists, the defendants, even though they control every aspect of my life, refuse to take any action - or allow me to take any action to avoid this danger.

I (again) am in the defendants' custody and this creates a Special Relationship. The defendants refuse to acknowledge this and are "actively" pushing me straight into the snakepit that I have read about in those lawbooks up there in that law library.



(Relief Continued)

of Conditions to commit crimes.

3. An order from this Honorable Court directing the defendants to compile and make available a list of halfway or transition houses which accept sex offenders. An updated list which has been "verified and confirmed" by the appropriate persons.

4. An order from this Honorable Court directing the defendants to provide whatever assistance is required - be it financial, transportation, or orchestration of events - to enable inmates who are subject to CNA's Order of Conditions to avoid imposition of criminal penalties prior to their release from the defendants' custody.

5. An order from this Honorable Court directing the defendants that in the event housing cannot be secured for inmates subject to CNA's Order of Conditions ~~the~~ prior to their release then the defendants themselves must make such arrangements through the establishment of State financed housing.

6. An order from this Honorable Court directing the defendants to compile and make available to inmates subject to CNA's Orders of Conditions a list of employers in the affected persons area of residence who hire and will employ sex offenders. An updated list which has been "verified and confirmed" by the appropriate persons.

7. An order from this Honorable Court directing the defendants to provide pre-release services to inmates who are subject to CNA's Order of Conditions that are equivalent - in effect - to the pre-release services extended to car thieves, muggers, robbers, burglars, murderers, and drug dealers.

8. An order from this Honorable Court directing the defendants to

compile and make available to inmates who are subject to CNAs  
Order of Conditions a list of schools - vocational rehabilitation centers -  
which are not barred from accepting persons with prior sex offenses.

9. An order from this Honorable Court directing the defendants that there  
does exist a Special Relationship between themselves and those who are  
in their custody

10. Any and all other relief which this Honorable Court may deem  
just and proper under the premises.



(Previous Lawsuits Continued)

1. Parties to this previous lawsuit.

Plaintiff: Roy Lee McAttee 147346

Defendants: Laura Murdock et. al.

2. Court: United States District Court - Northern District of Alabama

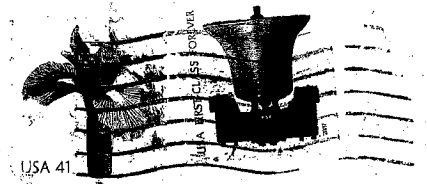
3. Docket Number: 7:07-CV-01418-HGD

4. Name of Judge: Harwell G. Davis III

5. Disposition: Still pending

6. Date of Filing 7-30-07

Roy McAtee 147346  
565 Ribb Ln.  
Brent AL 35834



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U.S. District Court  
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Montg AL 36101-0711

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